

**FILED**

AUG 22 2003

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY *[Signature]*

IN THE MATTER OF A MEMBER ) Nos. 02-0117, 02-0305, 02-2319,  
OF THE STATE BAR OF ARIZONA, ) 02-2377, 03-0005, 03-0052,  
) and 03-0211  
)  
**STEVEN E. HILL,** ) **TENDER OF ADMISSIONS**  
**Bar No. 018023** ) **AND AGREEMENT FOR**  
) **DISCIPLINE BY CONSENT**  
)  
Respondent. ) (Assigned to Hearing Officer 7M  
) Daniel P. Beeks)  
)

-1-

specifically ERs 1.2, 1.3, 1.4, 1.5, 1.7(b), 1.15, 1.16(d), 3.1, and Rules 51(a) and 57(a), Ariz.R.S.Ct.

Subject to review and acceptance by the Disciplinary Commission and the Supreme Court of Arizona, Respondent agrees to a two-year suspension commencing on May 8, 2003<sup>1</sup>, probation, restitution and payment of the costs and expenses of the disciplinary proceedings.

## **I. FACTS**

### **GENERAL ALLEGATIONS**

1. At all times relevant hereto, Respondent was an attorney admitted to practice law in Arizona on May 21, 1999.

### **COUNT ONE**

2. Mark and Maryann Chisholm retained Respondent in April 2001 to represent them in connection with a receivership proceeding that had been commenced against a company called Safari Media, Inc. ("Safari"), in which the Chisholms were involved.

3. Respondent was also retained by the Chisholms to assert a claim on behalf of the Chisholms and other shareholders of Safari against the receiver.

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<sup>1</sup> Pursuant to Rule 57(b), Ariz.R.S.Ct., a member is automatically suspended ten (10) days after his conviction of a felony. The parties have picked May 8, 2003, as the retroactive date as it was the 10<sup>th</sup> day after the Respondent's felony conviction. The parties presume that to date no transmittal of a judgment to the Arizona Supreme Court to your court has yet been made; however, they would request retroactivity to May 8, 2003, which is ten (10) days after the conviction.

1 The Chisholms represented to Respondent that the Shareholders agreed to the  
2 representation.

3  
4 4. Respondent represented the Chisholms in the receivership action and  
5 also filed a civil action against the receiver on behalf of both the Chisholms and  
6 the other shareholders.

7  
8 5. In July of 2001, Respondent was retained by Jane and Herbert Allen  
9 ("the Allens"), the parents of Maryann Chisholm, in connection with matters  
10 relating to the same dispute in which the Chisholms were involved.

11  
12 6. The Chisholms were officers and directors of Safari. Respondent  
13 Hill knew that they were accused of wrong doing in connection with their  
14 handling of Safari. The other shareholders had an interest that was potentially  
15 adverse to the Chisholms.

16  
17 7. Respondent admits his representation of both clients was likely to be  
18 materially limited by his duty to the others. Respondent admits that his  
19 simultaneous representation of the Chisholms and other shareholders of Safari  
20 violated Rule 42, Ariz.R.S.Ct., specifically ER 1.7(b). Respondent admits that  
21 his dual representation violated ER 1.7(b) because he could not have reasonably  
22 concluded that the representation of one of the clients would not be adversely  
23 affected by the representation of the other clients.  
24  
25

1 The Respondent also admits he violated ER 1.7(b) because he failed to  
2 obtain the informed consent of all of his clients after an adequate consultation.

### 3 4 **COUNT TWO**

5 8. The Respondent filed a complaint in the shareholder lawsuit, which  
6 was ultimately dismissed by the court.

7 9. Respondent admits that some of the claims asserted in the  
8 shareholder action lacked a proper basis.

9  
10 10. Respondent admits that his conduct in asserting these claims were  
11 frivolous and violated Rule 42, Ariz.R.S.Ct., specifically ER 3.1. Respondent  
12 was relying on representations by the Chisholms, who were later indicted for  
13 fraud and other crimes.

### 14 15 **COUNT THREE**

16 11. In representing the Chisholms in the receivership action, Respondent  
17 failed to respond in writing to a significant motion that affected the Chisholms'  
18 interest. Respondent also demonstrated a general lack of diligence.

19  
20 12. In his representation of the Allens, Respondent appeared for a  
21 significant deposition only by telephone. In addition, Respondent demonstrated a  
22 general lack of diligence.

23  
24 13. Respondent admits that he violated Rule 42, Ariz.R.S.Ct.,  
25 specifically ER 1.3, as a result of this conduct.

1 **COUNT FOUR**

2 14. Respondent admits that he charged Jane and Herbert Allen fees that  
3 may have been unreasonable, under all of the circumstances, in light of the actual  
4 work performed and therefore he admits that he violated Rule 42, Ariz.R.S.Ct.,  
5 specifically ER 1.5(a).  
6

7 **COUNT FIVE**

8 15. While charges of contempt of court were pending against the  
9 Chisholms in the receivership proceeding, the Respondent filed a Motion to  
10 Withdraw as their attorney of record. The motion was granted. In connection  
11 with his Motion to Withdraw, Respondent unnecessarily disseminated  
12 information to adverse parties that was harmful to the Chisholms' interest. In  
13 hindsight, Respondent should have requested an in-camera review.  
14  
15

16 16. Respondent admits that his conduct in connection with this  
17 withdrawal violated Rule 42, Ariz.R.S.Ct., specifically ER 1.16(d).  
18

19 **(MATTER NO. 02-2319)**

20 17. Tom Abel retained the Respondent to represent him in connection  
21 with a domestic relations matter. Specifically, Respondent was retained to  
22 attempt to reduce Mr. Abel's spousal maintenance obligation.  
23

24 18. Respondent was unsuccessful at the trial level and agreed to appeal  
25 the Superior Court's decision.

19. Respondent appealed the decision, but then subsequently filed a motion to voluntarily dismiss the appeal. Respondent claims the dismissal of the appeal was with the client's permission, however, the client states that he did not approve of the voluntary dismissal of the appeal.

20. Respondent admits that his conduct, at best, constitutes violations of Rule 42, Ariz.R.S.Ct., specifically ERs 1.2 and 1.4, in that his communication could have been better and his knowledge of the scope of his retention could have been better.

21. Respondent states no restitution is appropriate because the appeal was undertaken pro bono, the total amount of fees were under \$1000.00, and a fee issue had been previously litigated in small claims court wherein the Respondent was ordered to refund \$200.00 to Mr. Abel. Respondent admits that the \$200.00 has been paid per that order.

**(MATTER NO. 02-2377)**

22. Verna Hayworth retained Respondent to pursue a civil rights action on her behalf. The civil rights complaint had been prepared by a prior attorney for filing in federal court.

23. After filing the complaint, and during the initial handling of the file, Respondent changed his position on the value and merit of the case and convinced Ms. Hayworth to accept a settlement offer of \$2000.00.

24. The client, Ms. Hayworth, agreed to accept the settlement offer but then questioned the Respondent as to whether the amount of money she paid was reasonable fees for the services rendered. She also raised question regarding the adequacy of his communication with respect to the settlement value of the case.

25. Respondent admits that his communication with his client regarding the basis for accepting the reduced settlement could have been better, and therefore acknowledges a violation of Rule 42, Ariz.R.S.Ct., specifically ER 1.4.

26. With respect to the reasonableness of fees, the Respondent believes no violation exists, however, for purposes of this tender, he is willing to accept fee arbitration with respect to the fee issue.

**(MATTER NO. 03-0005)**

27. On or about November 27, 2002, the Maricopa County Grand Jury returned an indictment against Respondent on two felony charges.

28. Count One of the indictment charged Respondent with Attempted Aggravated Assault, a class 4 felony, for conduct which occurred on or about November 18, 2002.

29. Count Two of the indictment charged Respondent with Kidnapping, a class 2 felony, for conduct which occurred on or about November 18, 2002.

1           30.    On or about February 21, 2003, the Honorable Thomas W. O'Toole  
2 accepted a plea agreement from Respondent wherein Respondent entered a plea  
3 of no contest to the charge in Count One, Attempted Aggravated Assault.  
4

5           31.    The court accepted the plea agreement and set a time for sentencing.

6           32.    The sentencing order dated April 28, 2003, sentenced the  
7 Respondent to ninety (90) days in jail to be served immediately, five (5) years  
8 probation with various terms and conditions, restitution, and a fine.  
9

10          33.    The Respondent admits that he committed a criminal act that reflects  
11 adversely upon him and the profession. Respondent further admits that his  
12 conduct violated Rule 51(a) and 57(a), Ariz.R.S.Ct.  
13

14                               **(MATTER NO. 03-0211)**

15          34.    Rita J. Misner retained Respondent to represent her regarding her  
16 eviction in a forcible detainer action that was set in Justice Court.  
17

18          35.    Prior to the actual hearing, Respondent failed to timely return phone  
19 calls and inquiries and otherwise adequately communicate with Ms. Misner.

20          36.    On the afternoon before the court hearing, Respondent first spoke  
21 with Ms. Misner and informed her that he would be unable to represent her the  
22 following day, but that he had hoped his partner would be able to represent her in  
23 his place.  
24  
25

37. Mr. Bassi, Respondent's now former partner, was able to represent Ms. Misner at the hearing and reached a settlement with the landlord. Though the settlement was the best resolution at the time, it certainly did not fulfill the intent of the scope of the representation that Ms. Misner had originally sought from Mr. Hill.

38. As a result of the foregoing conduct, Respondent admits he failed to abide by the scope of the representation with his client, failed to adequately communicate with his client and failed to diligently pursue the defense of this matter on behalf of his client.

39. Respondent conditionally admits that his conduct violated ERs 1.2, 1.3, and 1.4.

**(MATTER NO. 03-0052)**

40. Rochelle and Jody Howard met with the Respondent in the latter part of 2002 for the purpose of retaining Respondent to represent them with respect to Jody Howard's worker's compensation matter.

41. In mid-December of 2002, the Howard's contacted Respondent's office and were informed that Respondent would no longer be able to handle their case because he had a nervous breakdown and was hospitalized.

42. The Howard's then met with Respondent's legal assistant in January of 2003 in order to collect their file. The Complainant's had previously been

1 informed that Respondent, prior to his breakdown: had received additional  
2 medical records; had received additional information regarding code violations;  
3 and had performed and obtained research from a building code compliance firm  
4 regarding code violations. When the Complainant's appeared to collect their file,  
5 none of those documents were in the file, nor were they ever provided to the  
6 Complainants.  
7

8  
9 43. Respondent conditionally admits he failed to properly and timely  
10 communicate with his clients, failed to diligently pursue his clients' matter; and  
11 failed to return a complete copy of the file with which he was entrusted.  
12

13 44. Respondent's admits that his conduct, as aforementioned, violated  
14 Rule 42, Ariz.R.S.Ct., specifically ERs 1.3, 1.4, and 1.15.  
15

### 16 PRIOR DISCIPLINE

17 Respondent has been a practicing attorney in Arizona for four (4) years  
18 with no prior discipline.

### 19 CONDITIONAL ADMISSIONS

#### 20 COUNT ONE

21 Respondent, in exchange for the stated form of discipline, conditionally  
22 admits that his conduct as set forth in Count One, violated the following rules of  
23 professional conduct and Rules of the Supreme Court: Rule 42, Ariz.R.S.Ct.,  
24 specifically, ER 1.7(b).  
25



1 (MATTER NO. 02-2319)

2 Respondent, in exchange for the stated form of discipline, conditionally  
3 admits that his conduct as set forth in Matter No. 02-2319, violated the following  
4 rules of professional conduct and Rules of the Supreme Court: Rule 42,  
5 Ariz.R.S.Ct., ER 1.2, and 1.4.  
6

7 (MATTER NO. 02-2377)

8 Respondent, in exchange for the stated form of discipline, conditionally  
9 admits that his conduct as set forth in Matter No. 02-2377, violated the following  
10 rules of professional conduct and Rules of the Supreme Court: Rule 42,  
11 Ariz.R.S.Ct., ER 1.4.  
12

13 (MATTER NO. 03-0005)

14 Respondent, in exchange for the stated form of discipline, conditionally  
15 admits that his conduct as set forth in Matter No. 03-0005, violated the following  
16 rules of professional conduct and Rules of the Supreme Court: Rule 51(a), and  
17 Rule 57(a), Ariz.R.S.Ct.  
18

19 (MATTER NO. 03-0211)

20 Respondent, in exchange for the stated form of discipline, conditionally  
21 admits that his conduct as set forth in Matter No. 03-0211, violated the following  
22 rules of professional conduct and Rules of the Supreme Court: Rule 42,  
23 Ariz.R.S.Ct., ER 1.2, 1.3, and 1.4.  
24  
25

1 (MATTER NO. 03-0052)

2 Respondent, in exchange for the stated form of discipline, conditionally  
3 admits that his conduct as set forth in Matter No. 03-0052, violated the following  
4 rules of professional conduct and Rules of the Supreme Court: Rule 42,  
5 Ariz.R.S.Ct., ER 1.3, 1.4, and 1.15.  
6

7 **DISMISSED ALLEGATIONS**

8  
9 There are no ERs alleged in the complaint that have been agreed to be  
10 dismissed.

11 **RESTITUTION**

12 This Agreement requires Respondent to submit to binding fee arbitration  
13 with Ms. Verna Hayworth, and the Allens.  
14

15 The fee arbitration clause is included as there is evidence that Respondent  
16 did perform some work on these cases. As such, the Respondent has agreed to  
17 submit those matters to fee arbitration to determine the reasonableness of the fees  
18 in light of all of the circumstances of the case. Restitution is not appropriate in  
19 Matter No. 02-2319, the issues of fees were already litigated in small claims court  
20 and the Respondent was ordered to refund \$200.00 to Mr. Abel. Mr. Abel has  
21 informed the bar that he was paid pursuant to that order. Regarding Matter No.  
22 03-0211, restitution does not appear appropriate as the client received  
23 representation in court and no request for a refund of fees has been made.  
24  
25

1 Regarding Matter No. 03-0052, the State Bar is not in possession of any evidence  
2 to suggest that a refund is due either client in this matter.

3  
4 **SANCTION**

5 Respondent and the State Bar agree that on the basis of the conditional  
6 admissions contained herein, the appropriate disciplinary sanctions are as  
7 follows:

8  
9 1. Two year suspension, which is to be retroactive to May 8, 2003,  
10 (supra, p.2, footnote 1);

11 2. Upon reinstatement, Respondent shall be placed on probation for a  
12 period of two years. The terms of the probation will be established and set forth at  
13 that time. It is contemplated that the probation may include LOMAP, MAP, and a  
14 Practice Monitor

15  
16 3. The Respondent shall enter into binding fee arbitration with Ms.  
17 Hayworth, and the Allens. Respondent must contact the fee arbitration coordinator  
18 within thirty (30) days of the date of the judgment and order and begin the fee  
19 arbitration process.

20  
21 4. Respondent shall pay all costs incurred by the State Bar in bringing  
22 these disciplinary proceedings against Respondent. In addition, Respondent shall  
23 pay all costs incurred by the Disciplinary Commission, the Supreme Court, and the  
24  
25

1 Disciplinary Clerk's office in this matter. A statement of costs and expenses is  
2 attached hereto.

3  
4 In the event that Respondent fails to comply with any of the foregoing terms,  
5 and information thereof is received by the State Bar, Bar counsel shall file a Notice  
6 of Noncompliance with the imposing entity, pursuant to Rule 52(a)6(C),  
7 Ariz.R.S.Ct.. The imposing entity may refer the matter to a hearing officer to  
8 conduct a hearing at the earliest practicable date, but in no event later than thirty  
9 days after receipt of notice, to determine whether a term of probation has been  
10 breached and, if so, to recommend appropriate action and response. If there is an  
11 allegation that Respondent failed to comply with any of the foregoing terms, the  
12 burden of proof shall be on the State Bar of Arizona to prove noncompliance by a  
13 preponderance of the evidence.  
14  
15

16 Respondent, by entering into this agreement waives his right to a formal  
17 disciplinary hearing, pursuant to Rule 53(c)(6), Ariz.R.S.Ct., and the right to testify  
18 or present witnesses on his behalf at a hearing. Respondent further waives all  
19 motions, defenses, objections, or requests which he has made or raised, or could  
20 assert hereinafter if the conditional admissions and stated form of discipline are  
21 approved. Respondent acknowledges that he has read this Agreement and has  
22 received a copy of it.  
23  
24  
25

1 Respondent acknowledges that he is aware of his need to comply with Rule  
2 63, Rule 71, and Rule 72, Ariz.R.S.Ct., regarding suspensions, notification to clients  
3 regarding suspensions and reinstatement provisions. Respondent agrees to comply  
4 with such Rules where applicable.  
5

6 This Tender of Admissions and Agreement for Discipline by Consent will be  
7 submitted to the Disciplinary Commission for approval. Respondent realizes that  
8 the Disciplinary Commission may request his presence at a hearing for presentation  
9 of evidence and/or argument in support of this Agreement. He further recognizes  
10 that the Disciplinary Commission may recommend rejection of this Agreement. He  
11 further understands that if this Agreement is approved by the Disciplinary  
12 Commission, the matter will be submitted to the Arizona Supreme Court for final  
13 approval or rejection. If the Agreement is rejected by the Arizona Supreme Court,  
14 Respondent's conditional admissions are withdrawn.  
15  
16  
17  
18 ...  
19 ...  
20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...

1 Dated this 22<sup>nd</sup> day of August, 2003.

2 STATE BAR OF ARIZONA

3  
4   
5 John A. Furlong  
6 Staff Bar Counsel


7 Dated this 22<sup>nd</sup> day of August, 2003.

8 STATE BAR OF ARIZONA


9  
10 see attached facsimile for signature  
11 Donald Peters  
12 Volunteer Bar Counsel  
Conflict Case Committee

13 **This Agreement, with conditional admissions, is submitted freely and**  
14 **voluntarily and not under coercion or intimidation. I am aware of the rules**  
15 **of the Supreme Court with respect to discipline and reinstatement.**

16 Dated this 22<sup>nd</sup> day of August, 2003.

17   
18 Steven E. Hill  
19 Respondent

20 Dated this 22<sup>nd</sup> day of August, 2003.

21   
22 Robert W. Doyle  
23 Respondent's Counsel  
24  
25

1 Dated this \_\_\_\_ day of August, 2003.

2 **STATE BAR OF ARIZONA**

3  
4  
5 John A. Furlong  
6 Staff Bar Counsel

7 Dated this 22 day of August, 2003.

8 **STATE BAR OF ARIZONA**

9  
10   
11 Donald Peters  
12 Volunteer Bar Counsel  
Conflict Case Committee

13 **This Agreement, with conditional admissions, is submitted freely and**  
14 **voluntarily and not under coercion or intimidation. I am aware of the rules**  
15 **of the Supreme Court with respect to discipline and reinstatement.**

16 Dated this \_\_\_\_ day of August, 2003.

17  
18 Steven E. Hill  
19 Respondent

20 Dated this \_\_\_\_ day of August, 2003.

21  
22 Robert W. Doyle  
23 Respondent's Counsel  
24  
25

1 Approved as to form and content:

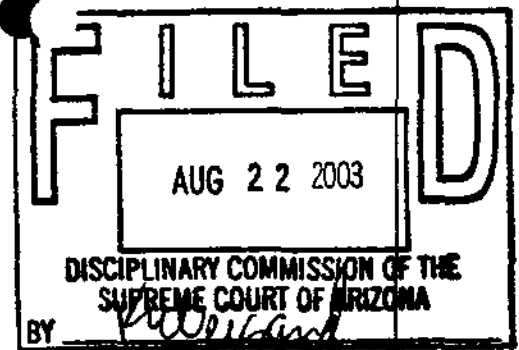
2  
3 Maret Vessellapax

4 Robert Van Wyck  
5 Chief Bar Counsel  
6  
7

8 **Original** filed with the Disciplinary Clerk  
9 of the Supreme Court of Arizona  
10 this 22 day of August, 2003.

11 by: CSon  
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1 John A. Furlong, Bar No. 018356  
2 Staff Bar Counsel  
3 State Bar of Arizona  
4 111 West Monroe, Suite 1800  
5 Phoenix, Arizona 85003-1742  
6 Telephone (602) 340-7272



7 **BEFORE THE DISCIPLINARY COMMISSION**  
8 **OF THE**  
9 **SUPREME COURT OF ARIZONA**

10 IN THE MATTER OF A MEMBER ) Nos. 02-0117, 02-0305, 02-2319,  
11 OF THE STATE BAR OF ARIZONA, ) 02-2377, 03-0005, 03-0052,  
12 ) and 03-0211  
13 )  
14 STEVEN E. HILL, ) **JOINT MEMORANDUM IN**  
15 Bar No. 018023 ) **SUPPORT OF AGREEMENT**  
16 ) **FOR DISCIPLINE BY CONSENT**  
17 )  
18 Respondent. ) (Assigned to Hearing Officer 7M  
19 ) Daniel P. Beeks)  
20 )  
21 )

22 The State Bar of Arizona, by and through staff bar counsel, John A.  
23 Furlong, and volunteer bar counsel, Donald Peters, and the Respondent, Steven E.  
24 Hill, by and through his attorney, Robert W. Doyle, hereby submit their Joint  
25 Memorandum in support of the Tender of Admissions and Agreement for  
Discipline by Consent filed contemporaneously herewith.

**SANCTION**

The Respondent and the State Bar agree that on the basis of the conditional admissions contained in the Tender of Admissions and Agreement for Discipline by Consent, that the appropriate disciplinary sanction is as follows: Suspension from

1 the practice of law for a period of two (2) years<sup>1</sup>; Restitution in the form of  
2 mandatory fee arbitration; Probation, contemplated to include participation in the  
3 Law Office Management Assistance Program ("LOMAP"), the Member Assistance  
4 Program ("MAP"), and a Practice Monitor; All costs and expenses associated with  
5 these proceedings. The specific terms and length of the probation, however, will be  
6 established and set forth at such time when reinstatement, if appropriate, is sought.  
7

### 8 ABA STANDARDS

9  
10 In arriving at the agreed upon sanctions, consideration was given to the ABA  
11 Standards for Imposing Lawyer Sanctions ("Standards"), particularly Standard 5.12.

12 Standard 5.12 states, "Suspension is generally appropriate when a lawyer  
13 knowingly engages in criminal conduct which does not contain the elements listed  
14 in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to  
15 practice."  
16

17 Based upon the Standards referenced above, the presumptive sanction is  
18 suspension. In order to determine the appropriate sanction, a review of the  
19 aggravating and mitigating factors is necessary.  
20

21 A review of Standard 9.22 indicates that the following aggravating factors are  
22 present in this case:  
23  
24  
25

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<sup>1</sup> The parties request retroactivity to the date of Respondent's automatic suspension, after felony conviction, effective May 8, 2003, per Rule 57(b), Ariz.R.S.Ct.

1        1.     9.22(c) – a pattern of misconduct: This factor is applicable as the  
2 Respondent failed to diligently represent the interests of and failed to adequately  
3 communicate with several clients in several matters. In at least three of the matters  
4 there existed violations of ERs 1.3, and 1.4.  
5

6        2.     9.22(d) – multiple offenses: This factor is applicable as the  
7 Respondent's disciplinary sanction concerns seven (7) matters with various and  
8 diverse rule violations.  
9

10       3.     9.22(h) – vulnerability of victim: This factor is applicable because the  
11 Respondent's criminal conduct involved both his wife and minor children.  
12

13       A review of Standard 9.32 indicates the existence of several mitigating  
14 factors in this case:

15       1.     9.32(a) – absence of a prior disciplinary record: Prior to the series of  
16 matters involving the Respondent's misconduct in the cases referenced herein, the  
17 Respondent had a clean disciplinary record.  
18

19       2.     9.32(c) – personal or emotional problems: The Respondent had a  
20 number of personal and emotional problems during the time period in question. He  
21 was subsequently diagnosed with bi-polar disorder, which led to a psychotic  
22 episode and a breakdown. Respondent was hospitalized for eight (8) days at St.  
23 Luke's Behavioral Health Center and is currently being actively treated for bi-polar  
24 disorder. He was also experiencing serious marital problems. In addition, the  
25

1 Respondent also over-extended himself by taking on too many cases during his  
2 untreated manic phases in his law practice during the time period at issue.

3 3. 9.32(f) – inexperience in the practice of law: As of May 21, 2003, the  
4 Respondent had been practicing law for only four (4) years.

5 4. 9.32(k) – imposition of other penalties or sanctions: As a result of his  
6 criminal misconduct the Respondent was sentenced to ninety (90) days in jail and  
7 five (5) years probation beginning April 28, 2003 with various terms and  
8 conditions, for the offense of Attempted Aggravated Assault, a Class 4 felony. (See  
9 the attached Pre-Sentencing Report, Supplemental Pre-Sentencing Report, and the  
10 Sentencing Order marked as Exhibit “A”.)

11 Based on the aggravating and mitigating factors present, the parties agree  
12 that Respondent should receive the presumptive sanction of a suspension. It is the  
13 parties’ position that due to the aggravation and mitigation, the Respondent should  
14 receive a two (2) year suspension with the terms as indicated above.

### 15 PROPORTIONALITY

16 To have an effective system of professional sanctions, there must be an  
17 internal consistency and it is therefore appropriate to examine sanctions imposed in  
18 cases that are factually similar: In re Shannon, 179 Ariz. 52 (1994) (quoting In re  
19 Wines, 135 Ariz. 203 (1983)), In re Pappas, 159 Ariz. 516, 768 P.2d 1161 (1988).

1 However, the discipline in each situation must be tailored to the individual case, as  
2 neither perfection nor absolute uniformity can be achieved.

3  
4 Respondent and the State Bar have agreed to the imposition of a two-year  
5 suspension, restitution, eventual probation if reinstated, and costs. Respondent's  
6 most serious misconduct resulted in a Class 4 felony conviction for Attempted  
7 Aggravated Assault. In addition, there were issues in the other matters regarding  
8 conflicts, a frivolous claim, a breach of confidentiality, and a lack of  
9 communication and diligence.  
10

11 There are a number of prior cases in which sanctions were imposed for  
12 misconduct involving criminal conduct and other attorney misconduct that are  
13 similar to that which occurred in the present case.  
14

15 1. In Matter of Politi, SB-00-0106-D (2001), the Respondent pled guilty  
16 to misdemeanor driving under the influence in 1998 and to an aggravated driving  
17 under the influence, a class 4 felony, in 1999. Respondent also had a conflict issue  
18 in another matter violating Rule 42, Ariz.R.S.Ct., ER 1.7. As a result, the  
19 Commission accepted a two-year suspension with two years probation. There were  
20 two aggravating factors and six mitigating factors.  
21

22 2. In Matter of Farley, SB-00-0088-D (2000), the Respondent pled guilty  
23 to Attempted Aggravated Assault (a class 4 felony), and Unlawful Flight from  
24 Pursuing Law Enforcement (a class 5 felony), violating Rule 42, Ariz.R.S.Ct.,  
25

1 specifically ER 8.4(b), and Rule 51(a), Ariz.R.S.Ct. Respondent received a two-  
2 year suspension that was accepted by the Commission and the Supreme Court in  
3 Tendered documents. Six factors were evident in mitigation.  
4

5 3. In Matter of Axford, SB-00-0068-D (2000), the Respondent  
6 represented several clients in various legal matters and, thereafter, she failed to act  
7 with diligence and promptness to keep the clients informed, she also charged  
8 unreasonable fees in approximately four matters. In this case, there exists very  
9 similar Rule 42, Ariz.R.S.Ct., ER violations, specifically, ER 1.5, and ER 3.1. The  
10 Hearing Officer recommended a two-year suspension, which was reduced to six-  
11 months and one day by the Commission. This case differs, however, in that it does  
12 not include the very serious criminal conviction now present in the case at bar.  
13  
14

15 4. In Matter of Moore, SB-00-0078-D (2000), the Respondent engaged in  
16 multiple acts of negligence involving multiple clients, including: a failure to fulfill  
17 duties as a court-appointed arbitrator; a failure to communicate; and a failure to  
18 appear for scheduled hearings, resulting in a bench warrant to be issued for the  
19 client's arrest. The Respondent received a two-year suspension, probation, and  
20 restitution, which was the result of tendered admissions that were accepted and  
21 approved by the Commission. The Supreme Court took no discretionary review.  
22  
23

24 5. In Matter of Summers, SB-00-0004-D (2000), the Respondent  
25 received a two-year suspension for his failure to handle client matters properly

1 causing harm to numerous clients. Some of the harm the clients incurred resulted in  
2 adverse rulings. The Respondent received a two-year suspension when the  
3 Commission accepted tendered settlement documents. The Supreme Court  
4 declined review.  
5

6 6. In Matter of Ruiz, SB-98-0071-D (1998), the Respondent received a  
7 two-year suspension for accepting retainers and performing very little work, failing  
8 to adequately represent and communicate with numerous clients and failing to  
9 safeguard settlement proceeds received on behalf of a minor child. The Court  
10 found that the Respondent had stolen \$43,000.00 and that the Respondent failed to  
11 appear at his judgment debtor's examination resulting in a warrant being issued for  
12 his arrest.  
13  
14

15 7. In Matter of Higgins, SB-97-0026-D (1997), the Respondent received  
16 a two-year suspension, and restitution for numerous ethical violations including  
17 misrepresentations to the Bar, and a failure to properly handle client matters.  
18

19 8. In Matter of Rappeport, SB-97-0028-D (1997), the Respondent  
20 received a two year suspension, and restitution for: failure to provide reasonable  
21 child support and visitation to his ex-wife as ordered by Court; failure to appear at  
22 trial on his own behalf in a custody and visitation matter; and a failure to perform  
23 work on other client cases. In this case the Commission noted that a lawyer must be  
24 held to a higher standard in his personal legal matters than the general public.  
25

1 CONCLUSION

2 Recognizing that the objective of lawyer discipline is not to punish the  
3 lawyer, but to protect the public, the profession, and the administration of justice,  
4 (In re Neville, 147 Ariz. 106, 708 P.2d 1297 (1985)), and giving consideration to  
5 the facts in this case, the Standards, and the prior case law and decisions of the  
6 Arizona Supreme Court, a two-year suspension, restitution, and probation is an  
7 appropriate sanction in this matter. This sanction supports the purposes of attorney  
8 discipline. Respondent and the State Bar respectfully request that the Disciplinary  
9 Commission accept this Agreement for Discipline by Consent.  
10  
11

12 Dated this 22 day of August, 2003.

13  
14 STATE BAR OF ARIZONA

15   
16 John A. Furlong  
17 Staff Bar Counsel

18 Dated this 22<sup>ND</sup> day of August, 2003.

19  
20 STATE BAR OF ARIZONA

21 please see attached facsimile for signature  
22 Donald Peters  
23 Volunteer Bar Counsel/Conflict Committee  
24  
25

**CONCLUSION**

Recognizing that the objective of lawyer discipline is not to punish the lawyer, but to protect the public, the profession, and the administration of justice, (In re Neville, 147 Ariz. 106, 708 P.2d 1297 (1985)), and giving consideration to the facts in this case, the Standards, and the prior case law and decisions of the Arizona Supreme Court, a two-year suspension, restitution, and probation is an appropriate sanction in this matter. This sanction supports the purposes of attorney discipline. Respondent and the State Bar respectfully request that the Disciplinary Commission accept this Agreement for Discipline by Consent.

Dated this \_\_\_\_ day of August, 2003.

STATE BAR OF ARIZONA

\_\_\_\_\_  
John A. Furlong  
Staff Bar Counsel


Dated this 22 day of August, 2003.

STATE BAR OF ARIZONA


\_\_\_\_\_  
Donald Peters  
Volunteer Bar Counsel/Conflict Committee

1 This Agreement, with conditional admissions, is submitted freely and  
2 voluntarily and not under coercion or intimidation. I am aware of the rules  
3 of the Supreme Court with respect to discipline and reinstatement.

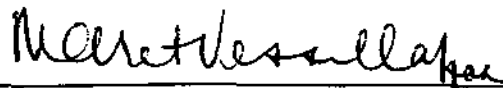
4 Dated this 22<sup>nd</sup> day of August, 2003.

5   
6  
7 Steven E. Hill  
8 Respondent

9 Dated this 22<sup>nd</sup> day of August, 2003.

10   
11 Robert W. Doyle  
12 Respondent's Counsel

13 Approved as to form and content:

14   
15  
16 Robert Van Wyck  
17 Chief Bar Counsel

18  
19  
20 Original filed with the Disciplinary Clerk  
21 of the Supreme Court of Arizona  
22 this 22 day of August, 2003.

23 by:   
24  
25